

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 20-cr-299 (NEB/TNL)

Plaintiff,

v.

ORDER

Christopher Stephen Branch,

Defendant.

This matter comes before the Court on Defendant Christopher Stephen Branch's Motion for Continuance of Motion Filing Date, ECF No. 18. Defendant has also filed a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act, ECF No. 19. Defendant states that he is currently "in the process of entering MN Adult Teen Challenge," ECF No. 18 at 1, and expects to be moved from the facility in which he is detained "at any time," ECF No. 19 at 1. This has made scheduling a time to review discovery, which includes "lots of search warrants, reports, photographs, and one recording," with counsel "difficult." ECF No. 18 at 1. Defendant "request[s] that the presently set motion filing date and motion hearing be continued until after March 15, 2021," ECF No. 18 at 1, to "allow [him time] to acclimate to treatment" and review discovery with defense counsel, ECF No. 19 at 1. By e-mail correspondence, the Government has no objection to the requested extension.

Additionally, beginning on March 13, 2020, and continuing thereafter, the Honorable John R. Tunheim, Chief District Judge for the United States District Court for

the District of Minnesota, has issued a series of General Orders in connection with the COVID-19 pandemic, addressing, among other things, criminal proceedings and trials.¹ On January 28, 2021, Chief Judge Tunheim entered General Order No. 25, which continues all in-person hearings, unless the presiding judge determines that an in-person hearing is necessary, through March 14, 2021, and orders that no new criminal trial may commence before March 15, 2021. *See generally In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19*, Gen. Order No. 25 (D. Minn. Jan. 28, 2021).

General Order No. 25 continues to encourage the use of videoconferencing in criminal proceedings and states that, with the defendant's consent, criminal proceedings will be conducted by videoconferencing, or telephone conferencing if videoconferencing is not reasonably available.² General Order No. 25 further provides that, if the defendant declines to consent to proceeding by videoconferencing or telephone conferencing, the matter can be continued until an in-person hearing can be held and time may be excluded under the Speedy Trial Act. **Should Defendant file pretrial motions, counsel for Defendant shall also file a letter indicating whether Defendant consents to a criminal motions hearing by videoconference.** *See* ECF No. 17.

¹ All General Orders related to the COVID-19 pandemic may be found on the Court's website at <https://www.mnd.uscourts.gov/coronavirus-covid-19-guidance>.

² *See also* General Order No. 19, which went into effect on September 26, 2020, and extended the Court's authorization to conduct certain criminal proceedings via video or telephone conference pursuant to the CARES Act "[b]ecause the emergency created by the COVID-19 outbreak continues to materially affect the functioning of court operations in the District of Minnesota," *In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19*, Gen. Order No. 19 (D. Minn. Sept. 25, 2020); General Order No. 24, which went into effect on December 25, 2020, vacated General Order No. 19, and extended the Court's authorization to conduct certain criminal proceedings via video or telephone conference pursuant to the CARES Act "[b]ecause the emergency created by the COVID-19 outbreak continues to materially affect the functioning of court operations in the District of Minnesota," *In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19*, Gen. Order No. 24 (D. Minn. Dec. 22, 2020).

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources. Based on all the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED that:

1. Defendant's Motion for Continuance of Motion Filing Date, ECF No. 18, is **GRANTED**.
2. The period of time from **February 1 through April 6, 2021**, shall be excluded from Speedy Trial Act computations in this case.
3. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **March 15, 2021**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses must be delivered directly to the chambers of Magistrate Judge Leung.³
4. **Should Defendant file pretrial motions, counsel shall file a letter on or before March 15, 2021, indicating whether Defendant consents to a motion hearing by videoconference.**
5. **Counsel must electronically file a letter on or before March 15, 2021 if no motions will be filed and there is no need for hearing.**
6. All responses to motions must be filed by **March 29, 2021**. D. Minn. LR 12.1(c)(2).
7. Any Notice of Intent to Call Witnesses must be filed by **March 29, 2021**. D. Minn. LR. 12.1(c)(3)(A).
8. Any Responsive Notice of Intent to Call Witnesses must be filed by **April 1, 2021**. D. Minn. LR 12.1(c)(3)(B).

³

U.S. Mail or hand-deliver to 300 South Fourth Street, Suite 9W, Minneapolis, MN 55415.

9. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:
 - a. The government makes timely disclosures and Defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
 - b. Oral argument is requested by either party in its motion, objection or response pleadings.
10. If required, the motions hearing must be heard before Magistrate Judge Tony N. Leung on **April 6, 2021**, at **1:30 p.m.**, in **Courtroom 9W**, U.S. Courthouse, 300 South Fourth Street, MINNEAPOLIS, Minnesota. D. Minn. LR 12.1(d).
11. **TRIAL: The trial date, and other related dates, will be rescheduled to a date and time to be determined following a ruling on any pretrial motions. Counsel must contact the Courtroom Deputy for United States District Judge Nancy E. Brasel to confirm the new dates.**

Date: February 2, 2021

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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